

## **IV. EVALUATION OF JURISDICTION'S CURRENT FAIR HOUSING LEGAL STATUS**

### **A. NUMBER AND TYPE OF DISCRIMINATION COMPLAINTS**

**1. Overview.** Data regarding registered discrimination complaints filed in the City was obtained from the following sources: Fair Housing Council (FHC); State of California Department of Fair Employment and Housing (DFEH); and the Community Housing Leadership Board (CHLB) and is provided below.

The DFEH reported a total of forty-three (43) housing discrimination complaints for the period 1995-1998. The number of registered complaints by year were as follows: in 1995 a total of six (6) complaints were filed, in 1996 a total of sixteen (16) complaints were filed, and, in 1997 a total of eleven (11) complaints were filed. Between January and September 1998, a total of eight (8) complaints were filed with this agency. Two (2) complaints involved legal action, one filed in 1996 and one filed in 1997. The FHC reported a total of eighty-seven (87) housing discrimination complaints filed during the one year period covered by July 1, 1997 through June 30, 1998. It is estimated that the two agencies recorded approximately one hundred and six (106) complaints for the period 1997 through September of 1998.

Based upon this data, the number of housing discrimination complaints filed within the City does not appear excessive considering the City's population and the number of persons that would be included in the protected classes. However, the City is concerned that the available data may not be sufficient to predict how much discrimination actually occurs. It may be that there is an enlightened housing community and that few engage in housing discrimination. Conversely, it may be that only a limited number of people are aware of housing rights or others are aware of housing rights but are reluctant, for whatever reasons, to file a complaint with the proper authorities.

The City is committed to action plans designed to affirmatively further fair housing opportunities for every resident. The City financially supports the FHC and CHLB public education programs that are intended to improve the public's awareness of fair housing rights and responsibilities. This includes the dissemination of information regarding service providers who assist the public with the identification and remediation of discrimination related problems. There are a number of organizations that provide fair housing services (see Section E for a description of major service providers that specialize in prosecution, litigation, tracking, remediation or assistance with discrimination complaints).

**2. DFEH Discrimination Complaint Statistics.** The DFEH receives and acts upon registered complaints of housing discrimination. The DFEH has a twenty-four hour hotline through which a complaint may be registered. Complaints may also be registered at district offices located throughout the state or by mail. Following a review of the complaint, DFEH staff determines the action to be taken to determine if in fact housing discrimination has occurred.

During the period 1995 through 1997, a total of thirty-five (35) allegations of housing discrimination were filed for locations within the City. The DFEH has the authority to bring a lawsuit if the charge of housing discrimination is substantiated and the Agency concludes that litigation is the resolution. During the period 1995 through September 1998, the Agency brought lawsuits in two cases of alleged housing discrimination within the City, one lawsuit in 1996 and the second in 1997.

Table 8 provides a list and categorization of complaints filed. It should be noted that the number of acts may be greater than the total number of complaints since the person registering the complaint may have had several issues that were believed to be housing-discrimination based.

**Table 8 - Housing Complaints Filed Against Fresno Respondents by Acts and Calendar Year**

<b>ACTION</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>TOTAL</b>
<b>Eviction</b>	2	9	8	4	23
<b>Harassment</b>	2	3	1	1	7
<b>Loan Withheld</b>	0	0	0	1	1
<b>Refusal to Rent</b>	1	1	2	2	6
<b>Rent Increase</b>	0	0	0	1	1
<b>Unequal Terms</b>	1	2	3	1	7
<b>Unequal Access to Facilities</b>	0	3	1	2	6
<b>TOTAL</b>	<b>6</b>	<b>18</b>	<b>15</b>	<b>12</b>	<b>51</b>

Source: California Department of Fair Employment and Housing

The DFEH also reports complaints based upon ethnicity and race. Table 9 lists housing discrimination complaints categorized by race by calendar year.

**Table 9 - Housing Complaints Filed Against Fresno Respondents by Race/Ethnicity**

<b>RACE/ETHNICITY</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>TOTAL</b>
<b>Caucasian</b>	2	2	2	3	9
<b>Mexican-American</b>	0	0	3	0	3
<b>Hispanic (Not Mexican-American or Mexican)</b>	1	0	1	1	3
<b>African American</b>	2	9	3	1	15
<b>Asian</b>	0	2	1	0	3
<b>Native American</b>	0	2	0	0	2
<b>Other</b>	0	0	1	3	4
<b>Unknown</b>	0	3	0	0	3
<b>TOTAL</b>	<b>5</b>	<b>18</b>	<b>11</b>	<b>8</b>	<b>42</b>

Source: California Department of Fair Employment and Housing

The following table includes data on filed housing discrimination complaints that are more specific to the type of complaint filed. For example, the basis of a complaint may be discrimination due to race, age, disability, sex, presence of children, familial status, or religion.

**Table 10 - Complaints Filed Against Fresno Respondents by Bases by Year**

CATEGORY	1995	1996	1997	1998	TOTAL
Age (40 or Over)	0	1	0	0	1
Association (Only Applicable In Conjunction W/Another Basis)	1	2	1	1	5
Familial Status (Children)	2	5	1	2	10
Mental Disability	0	1	1	0	2
National Origin/Ancestry	1	1	5	1	8
Other- Housing (Unruh or Civil Rights Only)	0	1	0	0	1
Physical Disability (AIDS)	0	2	0	0	2
Physical Disability (Blood/Circulation)	0	0	1	0	1
Physical Disability (Hearing)	0	1	0	0	1
Physical Disability (Limbs)	0	1	0	0	1
Physical Disability (Speech/Respirator)	0	1	0	0	1
Race/Color	3	9	4	2	18
Religion – Other	0	1	0	0	1
Retaliation (For Protesting)	0	0	0	1	1
Sexual Harassment	2	1	0	0	3
Sexual Orientation	0	0	0	2	2
Sexual (Other Allegations)	0	2	0	0	2
<b>TOTAL</b>	<b>9</b>	<b>29</b>	<b>13</b>	<b>9</b>	<b>60</b>

Source: California Department of Fair Employment and Housing

Please note that the number of bases may be greater than the total number of complaints filed during any period because each complaint may contain as many as four (4) bases.

**3. Fair Housing Council of Fresno County (FHC).** The FHC is a private, nonprofit agency whose goal is to create equal housing opportunities by providing fair housing education and enforcement of federal and state fair housing laws. The FHC has developed and implemented a comprehensive education and outreach program that targets both the housing consumer and the housing provider. Housing consumers, such as home buyers and tenants, are taught how to recognize and report discriminatory housing practices and are educated on their rights and responsibilities

under federal and state fair housing laws. Housing providers are kept updated on fair housing laws and taught how to comply with and incorporated fair housing laws into their daily work routines. In addition, FHC investigates complaints of housing discrimination in the areas of rental, sales, mortgage lending, and homeowner's insurance. FHC covers all bases protected under federal and state fair housing laws, including mental and physical disabilities and sexual orientation.

When an individual contacts the FHC to file a complaint of housing discrimination, FHC staff interviews the individual or complainants and makes an initial assessment to determine if the complaint is covered under federal and state fair housing laws and screens for other jurisdictional issues. If fair housing laws do not cover the complaint, the individual or complainants are referred to another community agency that will be able to assist them.

Once FHC staff determines that the complaint is within its jurisdiction, the Fair Housing Counselor completes a Complaint Intake form and logs the complaint using a HUD approved Enforcement Log. The Complaint Intake form and the Enforcement Log documents information about the client, the property in question, and other information that may be needed to conduct an investigation to gather evidence that will prove or disprove the allegation of housing discrimination. An investigation can consist of testing the suspect property, interviewing witnesses, or surveying the area.

Once an investigation is complete, the complainant is advised of the findings of the investigation. If the investigation showed evidence of discrimination, the complainant is informed of their legal options, which are: (1) to do nothing, (2) to seek resolution through mediation and/or education, (3) to file an administrative complaint with HUD or DFEH, or (4) have their case referred to a private attorney for litigation. A disturbing number of complainants choose option one due to a fear of retaliation and losing their current housing. When clients choose option one, the FHC makes a determination to either pursue the claim on behalf of public good or send an educational letter to the offending property or agency in question. Many clients also choose option two. FHC has been very successful in resolving complaints without the need to file administrative complaints or litigation.

The FHC provides services and accepts complaints from throughout the Central Valley. The City strongly supports the FHC because it provides a service that is vital to the implementation of the City's fair housing program, and provides a portion of FHC's funding. The following tables show the number and types of complaints received during the period of July 1, 1998 through June 30, 1999 from the City only:

As shown in Table 11, a total of ninety-three (93) housing discrimination complaints were filed with the FHC with some having multi-bases (Table 12).

**Table 11 - Total Number of Housing Discrimination Complaints**  
**Period: 7/1/98-6/30/99**

<b>Basis of Complaint</b>	<b>Quantity</b>
African American	28
Caucasian	13
Hispanic	14
Hmong	0
Laotian	0
Cambodian	0
Native American	0
Other	0
Not Provided	38
<b>TOTAL COMPLAINTS</b>	<b>93</b>

Source: City Consolidated Annual Performance and Evaluation Report

**Table 12 - Basis of Complaints**  
**Period: 7/1/98-6/30/99**

<b>Basis of Complaint</b>	<b>Quantity</b>
Race	37
Religion	0
Sex	5
Family Status	31
National Origin	22
Disability: Physical	8
Disability: Mental	4
Other	19
<b>TOTAL COMPLAINTS</b>	<b>126</b>

Source: City Consolidated Annual Performance and Evaluation Report

## **B. DISCRIMINATION SUITS FILED BY THE DEPARTMENT OF JUSTICE OR PRIVATE PLAINTIFFS**

In the past two years, two lawsuits were filed against the City. A description of these cases is provided below.

**1. Cedar Heights.** The first lawsuit was filed against the City by Craig Harvey, Plaintiff; the Family Alliance for the Mentally Ill; and Affordable Homes, Inc. The lawsuit stemmed from a City Council decision regarding a development proposal for the Cedar Heights project proposal, a supportive housing project for persons with mental illness. The project proponents requested funding for the project. On two occasions, the City chose not to fund the project. Because of the denial for funding and comments attributed to a City official, the plaintiffs alleged that the City had discriminated against persons with mental illness and persons with disabilities. Prior to trial, the plaintiffs and the City of Fresno entered a consent decree. (A consent decree is the settlement of a disputed matter by means of a mutually negotiated agreement, wherein certain parties disclaim fault or liability, but, to avoid further litigation, agree to certain conditions, which are approved and made enforceable in a judgment or court order.)

As a result of discussions and research related to the complaint, the City has dedicated a significant amount of staff resources toward improving its awareness of housing issues as they affect persons with disabilities. The City has determined that there are actions that can be taken to improve its handling of these issues including increased public, private sector and public agency education programs, improved dialogue with representatives of the disabled community, and the expansion of discussions with members of the City's Advisory Committee for the Employment of the Disabled to include housing issues. Several meetings were held with the latter group in fall 1998 and winter 1999. City staff intends to continue to hold monthly meetings as feasible.

**2. Wellington Place.** Another lawsuit was filed against the City on May 13, 1998, by the developer and contractor of the Wellington Place development project. The complaint names the City of Fresno, all five (5) Council members and twelve (12) homeowners. The suit alleges primarily racial discrimination stemming from the City's denial of a tax exempt bond authorization to fund a three hundred twenty-six (326) unit, low-income apartment complex located on Herndon and Spruce Streets. This lawsuit is pending.

**3. Courtyard Apartments.** In a case not involving the City, the owners and managers of the Courtyard Apartment complex agreed to pay \$300,000 in damages to nine complainants and enter into a consent decree to settle a lawsuit filed in the US District Court by three African American families and the FHC on behalf of the general public. The lawsuit alleged that the owners and managers discriminated against families with children and African American tenants by steering them to the rear of the complex which was not as well maintained. The suit further alleged that African Americans were lied to about availability of units, quoted different terms and conditions, denied housing altogether if they refused to be steered to the rear of the complex, harassed and called racially derogatory names.

In addition to a cash settlement, the defendants agreed to educate employees, engage in affirmative advertising, and abide by state and federal laws. The resolution of this complaint can be considered a success in terms of the effectiveness of this area's nonprofit sector's ability to use local, state, federal and private funding resources to effectively combat discrimination.

The FHC's effectiveness in cases such as this has been recognized at the federal level. It is one of only seven California agencies to receive federal funding under the 1998 Fair Housing Initiatives Act. The grant is being used for education and outreach activities throughout the Central Valley.



### **C. EXPLANATION OF TRENDS OR PATTERNS**

As previously indicated, statistics indicate that discrimination is on the downswing. However, the facts that there have been three significant lawsuits raised within a short period of time and that there continues to be complaints filed, suggest that there is more work to be done. High vacancy rates may reduce a property owner's financial ability or opportunity to discriminate but do not resolve the desire to do so. More families than ever may be finding affordable housing thanks to the efforts of public and private organizations. Nevertheless, an alarming number of area residents cannot afford adequate housing. Many others are threatened with homelessness or are homeless.

The recessions of the 80s and early 90s exacerbated what City staff reports to be a housing crisis in the City and in California. Housing program budgets and staff were reduced. Available grant funding for public and private efforts diminished. Housing prices continued to rise and population increased dramatically. During this period, it became more difficult to develop infill parcels where public infrastructure exists because of environmental and planning concerns. The need to develop farmland, coupled with scarce funding resources, led to the adoption of location specific assessment districts to fund needed infrastructure. Some contend that such assessments drive up the cost of new homes. Others believe that the market actually drives pricing actions.

The type of population growth that emerged in the 80s and 90s was quite different than that experienced previously. Not only did the City grow quickly but its new residents came from a significant number of cultural and linguistically varied backgrounds. Language barriers and cultural differences have made it extremely difficult for service providers to assist all segments of the community with their quest for employment and housing opportunities. The recession increased unemployment, poverty and related housing problems. Although recovery is proceeding more slowly in the Central Valley, unemployment rates are declining. The City continues to expend considerable time and funding resources for the resolution of housing issues including the education, skill, language and employment problems that affect those issues.

The City has estimated that it needs \$795 million over the next five years to resolve housing and housing related problems of low-income residents. The City needs even more funds to reduce poverty and resolve related social service issues. Available resources do not begin to meet needs. On the positive side, the City is aware that the proposed federal budget for the year 2000 will contain a much needed increase for HUD programs. State administration officials have recently indicated that the state

will reevaluate its definitions and treatment of the mentally ill and the relationship of current practices to the large number of homeless Californians. It is believed that a large percentage of unemployed homeless persons are challenged with mental illness disabilities and are therefore unable to help themselves. It is hoped that the state's study will lead to treatment and homes for those individuals.

It is also possible that more prosperous economic conditions could spark a trend toward more adequate funding of basic human services and programs which affirmatively further fair housing. Increased funding for housing programs, enhanced employment opportunities, and improvements in public education, including public school programs, could lead to reduced discrimination and better housing conditions and opportunities.

#### **D. DISCUSSION OF OTHER FAIR HOUSING CONCERNS**

The City is committed to doing its part to affirmatively further fair housing. The City recently completed an independent evaluation of all City housing policies and programs. The report was undertaken by Tierra Concepts, Inc. One purpose of the evaluation was to determine if any City policies or programs resulted in housing discrimination. The City also hoped to identify areas where the City could improve its ability to further fair housing opportunities and programs. (A copy of the entire Tierra Concepts, Inc. report may be obtained from the City upon request.)

The City has identified several areas where improvements could be made or additional review is necessary. While a summary discussion follows, a more detailed discussion can be found in Section VI of this report. One area is in public education. The City determined that it needs to do much more to establish a proactive community outreach and education program. The private and nonprofit sectors needs to be armed with grant writing strategies and City staff support where feasible. To this end, the City sponsors workshops designed to assist the community in applying for ESG, HOME and CDBG programs.

Nonprofit organizations have been determined to be invaluable in advocating for fair housing, filling in the gaps where public agencies are unable to address myriad of issues, and relentlessly pursuing legislation and funding needed to resolve housing issues. Nevertheless, the City's research indicates that there is a severe shortage in the number or capabilities of nonprofit agencies to develop and implement affordable housing programs.

The City has determined the need to increase the construction of affordable housing for very large families. City zoning and building ordinances and practices need to be

examined to determine whether amendments can be identified which enhance and equalize opportunities for multiple family housing including group homes designed to serve seniors, physically, developmentally or mentally ill persons, and other groups who desire independent or partially dependent living opportunities.

The City has determined that it needs to improve efforts to educate the public regarding accessibility and visitability issues so that those who choose to remodel, rehabilitate or construct private homes plan to reduce physical obstacles for those who are physically challenged, the elderly, or those using strollers and other wheeled devices. The ultimate goal is to provide universally accessible housing stock through new construction and upgrades. See Sections V and VII and Appendix A for a description of some of the City's existing and proposed actions to accomplish this objective.

The review of home mortgage and insurance data gathered during the preparation of this report suggests that the City needs to improve programs to educate home mortgage lenders and insurers regarding their rights and responsibilities. That effort coupled with public education could help to eliminate questionable practices. The City is also aware of the need to provide adequate land zoned for multiple family or small lot affordable housing. The City is currently updating its General Plan. Staff is projecting population, employment and housing needs for the next twenty years and developing land use strategies intended to ensure that ample suitably zoned land is available.

## **E. ORGANIZATIONS AND AGENCIES THAT PROVIDE FAIR HOUSING SERVICES**

Within the City, there are a number of agencies and organizations that provide a range of fair housing services. The following organizations focus their efforts upon fair housing education and the enforcement of fair housing laws. The majority of these organizations are governmental or nonprofit social service providers. There are also fair housing agencies staffed by volunteers that provide assistance. The service level available from each agency varies. However, all share the common goal of acting to provide equal housing opportunities to all citizens of the City.

**Fresno Rental Housing Association (FRHA)** - With approximately 37 percent of the total housing stock under their control, apartment owners and managers represent a critical link in the provision of fair housing opportunities to the residents of the City. The FRHA is a voluntary association that provides services to rental property owners and managers. Among the services provided are credit reference checks, fair housing issues training for property owners and managers, publication and distribution of

materials relating to rental housing to its members, publication of a monthly newsletter, and a certificate program for rental property managers. The FRHA is a member of the CHLB of Fresno and Madera Counties. The FRHA is implementing an ongoing program to lessen discrimination and increase equal housing opportunities for area residents.

The FRHA has established the following programs in hopes of improving the skills, ethics and knowledge of managers and property owners:

- **Certificate in Residential Management.** This program consists of several segments relating to good practices and procedures in the management of residential properties. Also included is a segment that describes fair housing laws and application.
- **Fair Housing Training Workshops.** Two to four times a year, the FRHA provides training in the interpretation and application of fair housing laws. Training workshops are available to members of the FRHA as well as the general public. Experts from fair housing agencies, as well as professional staff from the FRHA, conduct these training classes.
- **An “Industry Standards Program”.** This program offers standardized procedures and property standards and is available to members. The program recommends that fair housing posters and literature be displayed in the property owner and manager offices.

**Central California Legal Services (CCLS)** - This organization provides legal advocacy and support for farm workers and other low-income individuals on issues relating to housing and employment conditions. CCLS acts as both an advocate and as a legal representative for its clients. Legal actions on behalf of its clients are undertaken to redress situations that cannot be resolved through mediation.

**Centro La Familia Advocacy, Inc.** - This organization provides tenant/landlord mediation services, and support services for those households in danger of becoming homeless. Services include advocacy, translation services, assistance to families eligible for public assistance, and other important services that help prevent homelessness.

**Community Housing Leadership Board of Fresno and Madera County (CHLB)** - The CHLB was created to provide information and education to the community regarding fair housing issues. The CHLB is made up of representatives from both the private and public sector and represents a wide cross section of the community. The

CHLB provides a free taped telephone service in Spanish and English to help educate residents regarding housing issues. The CHLB is currently developing a Hmong version of the tape. In the past year, the RentSense line was accessed by 7,580 residents on over 40 tenant-landlord issues including children in rentals, security deposits, discrimination and repairs. The CHLB distributed 1,040 copies of the California Tenants Handbook and conducted seven training sessions on fair housing and affordable housing programs that were attended by 175 persons.

**Fair Housing Council of Fresno County (FHC).** The FHC was created in 1995 to assist individuals who have experienced housing discrimination. The FHC is funded through grants from HUD and other supporters such as the City. The FHC role is to educate and monitor, to investigate and resolve, where feasible, and to litigate cases involving housing discrimination.

The FHC has a full time education coordinator and is a vital service provider for the region's education programs. For example, the FHC hosts an annual fair housing conference. In the past year, the FHC conducted five fair housing training sessions/workshops that reached several hundred individuals. The FHC also recruits testers to assist in investigating allegations of housing discrimination. In 1998-99, the FHC trained 41 testers and referred several complaints to HUD, DFEH and private attorneys.

The FHC develops and conducts media contacts. For example, in a single program year, the FHC contacted 13 television, radio and newspaper media to further fair housing. Contacts resulted in interviews or articles on KMPH, Channel 21, the California Advocate, The Fresno Bee, the Pique, Vida en el Valle, and Arriba Valle Central among others. Several radios ran fair housing public service announcements and ads were placed in local newspapers. The FHC has distributed fair housing literature to more than 25 community agencies and schools.

The FHC has developed relationships with community and business associations and fair housing service providers, including groups such as the Southeast Asian Task Force, Hmong Women's Association and Lao Family Community who reach populations targeted by this AI as needing more inclusion in outreach and decision making processes.

With City funding, the FHC supports the City's AI action plan to increase the number and types of languages and presentations of fair housing literature. The FHC has translated five fair housing brochures and booklets into Hmong, Laotian and Spanish. The FHC recently upgraded its guide on disability issues.

HUD is currently a major and uncertain financial resource for FHC services. Uncertain funding hampers efforts to recruit and keep experienced and trained personnel and maintain or initiate programs. The City is committed to working with the FHC and others to secure stable financial resources and augment resources as feasible.

**Fresno County District Attorney's Office** - The District Attorney has legal authority to adjudicate crimes relating to discrimination and/or crimes perpetrated against individuals because of race or ethnicity.

**Fresno County Public Works and Development Services Department** In conjunction with the CHLB, the County of Fresno operates "RentSense," a telephone service that provides a wide variety of information relating to housing and housing discrimination. This service is available in English and Spanish. This program operates twenty four hours a day. The County also publishes the tenant-landlord handbook and distributes it to clients and nonprofit organizations. The handbook is published in three languages.

**State of California - Department of Fair Employment and Housing (DFEH)** . The DFEH maintains an office in Fresno, however, housing discrimination complaints are processed through the regional office in Oakland. The DFEH provides a phone number (1-800-884-1684) to accommodate complaints related to housing discrimination.